1944 **K** **File No.** O. Hotel and Lodging control order 44

Legal Dept

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Subject:— Opinions under the Hotels and Lodging Houses control order 1942

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C O N T E N T S.

Legal Department File No. O. Hotel and Lodging Control Order/1944

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6 Copies.

Letter No: M.S.C.-446(H).

Collector's Office,
Bombay, 8th Feb.1944.

To

The Remembrancer of Legal Affairs,
Secretariat,
BOMBAY

I am making this reference in respect of a case under the Hotels and Lodging Houses Control Order, 1942. On 21-6-1943 the Manager of the Ritz Hotel, Bombay, increased the charges being made from certain more or less permanent residents of the hotel. They appealed to the Controller and asked him to fix 'fair rates' under the Hotels & Lodging Houses Control Order. The Controller's inquiry took him to October 1943. In fixing the fair rates then he gave them retrospective effect from 21-6-1943, the date on which the rates had been increased.

The Ritz Hotel appealed to me. I confirmed the main part of the Controller's order, but slightly modified the rates he had fixed for two persons. My order was passed in January 1944. It was nowhere said in my order that it had retrospective effect. The management, however, asked the residents to pay according to the rates fixed by me with effect from 21-6-1943. When the residents protested to me, I asked for an explanation from the Hotel Manager. He explained that since the Controller's order had effect from 21-6-1943, my modifying order should also have effect from that date. I told him that that was not necessary and, since my order did not make the modifications with retrospective effect, it should be brought into force from its own date. The Manager, however, stated that his legal advisers were of the opinion that my modifying order should have effect from 21-6-1943, even though it is not specifically stated therein that it is to have retrospective effect.

I request you kindly to give me your advice as to whether my view is correct, or whether my order also has retrospective effect just because it modifies certain rates fixed by the Controller's order which did have retrospective effect.

Sd./.....

Collector of Bombay.

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No. 1915,
Office of the R.L.A.,
Bombay Castle, 14th March 1944,

From

P.N.Koos, Esquire, Barwat-Law, I.C.S.,
Remembrancer of Legal Affairs.

To

The Collector of Bombay,
Bombay.

Sir,

With reference to your letter No. MCS-446(H) dated the 8th February 1944 I have the honour to observe as follows:

The contention of the Manager of the Ritz Hotel appears to be correct. The Controller's order as modified by you would be deemed to be the original order.

I have the honour to be,
Sir,
Your obedient servant,

Sd./P.N.K. 13/3/44

Remembrancer of Legal Affairs.

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4 Copies.

No. 2252,
Office of the R.L.A.,
Bombay Castle, 25th March 1944.

From

P.N.Moos, Esquire, Bar-at-Law, I.C.S.,
Remembrancer of Legal Affairs.

To

The Collector of Bombay,
Bombay.

Sir,

With reference to your letter No. M.S.C. 446(H) dated the 6th March 1944 I have the honour to observe as follows:-

The Collector has already made his appellate order. Further the Controller did not deal with the question of a separate rate for board and it is doubtful whether in appeal the Collector can do so especially when there appears insufficient material in the evidence already recorded. Further the question at issue is not whether the rate for boarding or lodging is in itself excessive but whether the hotel has the right to charge both for board and lodging when the guest wants to reserve only accommodation. It is doubtful whether this dispute is within the scope of the Hotels and Lodging Houses Control Order. For those reasons it would be unwise for the appellate authority to modify his order in this case.

Your obedient servant,

Sd./ P.N.M. 24/3/44

Remembrancer of Legal Affairs.

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